

NATIONAL MARINE FISHERIES SERVICE POLICY DIRECTIVE 03-202

Habitat Conservation and Restoration

EFH DELEGATIONS OF AUTHORITY

NOTICE: This publication is available at: <http://www.nmfs.noaa.gov/directives/>.

OPR: F/HC

Certified by: F/ (P. Dalton)

Type of Issuance: Renewal (01/06)

SUMMARY OF REVISIONS:

MEMORANDUM FOR: F – Penelope D. Dalton

FROM: F/HC – Andrew J. Kemmerer

SUBJECT: EFH Delegations of Authority

The Office of Habitat Conservation and Office of General Counsel, in cooperation with the regions, have developed the attached NOAA Circulars to delegate EFH consultation authority from the Assistant Administrator for Fisheries to the Regional Administrators, with authority for an RA to redelegate to the Assistant RA for Habitat Conservation. These formal delegations are required by NOAA rules, and are needed to clarify which organizational unit and position in each NMFS region and the Office of Habitat Conservation will be responsible for conducting EFH consultations and providing recommendations to state and federal agencies. I recommend that you sign the NOAA Circulars and the attached memorandum to transmit the delegations to each RA.

For EFH consultations on individual projects, the RAs may wish to redelegate authority to a supervisor or team leader at the appropriate field level. I have attached to the transmittal memo a sample redelegation patterned after the Southeast Region for use by the RAs if they choose to extend the delegations. Any further delegations must also be authorized in a NOAA Circular.

I concur _____ I do not concur _____ Let's discuss _____

MEMORANDUM FOR: Regional Administrators

FROM: Penelope D. Dalton

SUBJECT: Delegations of Authority for EFH

I have signed the attached NOAA Circular delegating authority to you to conduct consultations and other activities related to the essential fish habitat mandate of the Magnuson-Stevens Act. With this authority, you may conduct consultations with, and make recommendations to, state and federal agencies in accordance with section 305(b) of the Act. I've also attached a sample delegation that you may find useful should you wish to redelegate EFH consultation authority below the ARA-Habitat Conservation level. Any delegations by you and the ARA-HC must be cleared by GCF, approved by me, and published as a NOAA Circular.

Please contact Andy Kemmerer, Tom Bigford, or Jon Kurland in the Office of Habitat Conservation if you have any questions about this delegation or any future redelegations.

Attachments

- Approved NOAA Circular for regional delegation
- Sample NOAA Circular for further redelegation